

REMARKS

Claims 1-7, and 12-14 are presently pending in the application. Claims 1-3, 5, 6, and 12 were rejected under 35 U.S.C. 103(a) as being anticipated by U. S. Patent No. 6,772,433 ("LaJoie") in view of U. S. Patent No. 5,565,908 ("Ahmad"). Claim 4 was rejected under 35 U.S.C. 103(a) as being unpatentable over Lajoie and Ahmad in view of U. S. Patent No. 6,754,904 ("Cooper"). Claims 13 and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lajoie in View of Ahmad and Cooper. Claim 7 was rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie and Ahmad in further view of U. S. Patent No. 6,681,396 ("Bates"). It is submitted that claims 1-7 and 12-14, as amended, are allowable over the cited art for at least the following reasons.

Independent claims 1 and 13, as amended, are directed towards providing and displaying a program guide including a list of bi-directional services including their availability information along with a current bandwidth consumption of the system. Selections of the bi-directional services can, therefore, be made by a subscriber depending upon this information. If there are bandwidth constraints, the requested service may or may not be rendered. Applicant submits that LaJoie or Ahmad, either alone or in combination, do not teach or imply receiving requests for bi-directional services and subsequently transmitting the requested service based on availability of the service and the current bandwidth consumption

Additionally, after rendering a requested bi-directional service in the present invention, the bi-directional services database is updated to reflect whether the previously rendered bi-directional service is still available or unavailable for other subscribers. Subsequently, the program guide, which is then received by the subscribers, is populated with the updated availability information. Depending upon different factors, the rendered bi-directional service may still be available to another subscriber. It is submitted that Ahmad does not teach or imply this feature as stated in the Office Action. In contrast, Ahmad teaches using a VCR recording of a service so that once a service is being presented to a user that recording is no longer available. When the user is finished watching the recording, the recording is then rewound so that it is then available to another user.

Furthermore, as stated in dependent claim 6, if a service is unavailable due to the service's unavailability, the subscriber may choose to reserve the service for future consumption. However, if the service is unavailable because the current bandwidth consumption is limited, the subscriber may choose to reserve the service for future consumption or the subscriber may choose to render the service based on different factors, such as a higher price for the service. If the subscriber chooses to pay a higher price, for example, the service will be rendered. It is submitted that LaJoie and Ahmad, either alone or in combination, do not teach or imply rendering a service based on different factors when bandwidth consumption is limited.

It is believed, therefore, that independent claims 1 and 13, as amended, are patentable over the cited art. It is also submitted that dependent claims 2-7, 12, and 14 further limit independent claims 1 and 13 and, therefore, should also be allowable. Reconsideration and reexamination of the present application is requested in view of the foregoing amendment and in view of the following remarks.

CONCLUSION

The foregoing is submitted as a full and complete response to the Office Action dated February 27, 2007. Claims 1-7 and 12-14 will be pending in the present application upon entry of the present amendment, with claims 1 and 13 being independent. Based on the amendments and remarks set forth herein, Applicant respectfully submits that the subject patent application is in condition for allowance. Because the claims may include additional elements that are not taught or suggested by the cited art, the preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability.

Upon entry of the foregoing Response, the above-identified patent application includes 2 independent claims. Because Applicant has paid herewith for 20 total claims and 3 independent claims, Applicant submits that no additional fee is due. Should it be determined that any additional fee is due or any excess fee has been received, the Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to deposit account #19-0761.

Should the Examiner have any comments or suggestions that would place the subject patent application in better condition for allowance, he is respectfully requested to telephone the undersigned agent at the below-listed number.

Respectfully submitted:

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